

### DETAILED ACTION

This action is responsive to the Amendment after Final filed June 18, 2008.

Claims 2-8, 10-16, 18-24, and 26-32 were pending. *Claims 2-8, 10-16, 18-24, and 26-32 are allowed.*

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leon R. Turkevich on August 1, 2008.

The application has been amended as follows:

Claim 10 (Currently Amended)    A computer readable medium having instructions executed to perform selecting a source address based on source-destination address pair metrics in, a multi-homed endpoint comprising:

    a plurality of network interfaces[[,]] having respective Internet Protocol (IP) source addresses, each network interface configured for establishing a connection with [[an]] a multi-homed peer endpoint via an IP network for transmission of data from the multi-homed endpoint to the multi-homed peer endpoint via the IP network;

    [[a]] first ~~executable~~ instructions configured for identifying source-destination address pairs available between the IP source addresses and IP destination addresses available for reaching [[a]] the multi-homed peer endpoint via the IP network, the first

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executable resource configured for initiating, for each source-destination address pair, a metric for identifying successful data transfer between the corresponding IP source address of the multi-homed endpoint and the corresponding IP destination address of the multi-homed peer endpoint; and

[[a]] selection ~~resource~~ instructions configured for identifying one of the source-destination address pairs having the corresponding metric indicating a highest successful data transfer relative to the other source-destination pairs, the selection resource configured for selecting the network interface having the IP source destination address associated with the identified one source-destination address pair, for ~~transport~~ transmission of a message to the multi-homed peer endpoint via the selected network interface;

wherein the first ~~resource~~ instructions ~~is~~ are configured for initiating a counter for each source-destination address pair, the first resource configured for:

incrementing the counter for a corresponding source-destination address pair in response to a determined absence of an acknowledgement within a prescribed time interval of sending a data frame via the corresponding source-destination address pair; and

decrementing the counter for a corresponding source-destination address pair, until reaching a zero value, in response to each acknowledgement detected within the corresponding prescribed time interval.

Claim 15 (Currently Amended) The endpoint of claim 11, wherein the selecting resource is configured for selecting a new network interface, based on identifying the

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corresponding source-destination address pair having the corresponding metric indicating the highest successful data transfer relative to the other source-destination pairs, for each message to be output by the multi-homed endpoint to the multi-homed peer endpoint.

Claim 16 (Currently Amended) The method of claim 10, wherein the selecting resource is configured for selecting a new network interface, based on identifying the corresponding source-destination address pair having the corresponding metric indicating the highest successful data transfer relative to the other source-destination pairs, for each message to be output by the multi-homed endpoint to the multi-homed peer endpoint.

Claim 26 (Currently Amended) A computer readable medium having instructions executed to perform selecting a source address based on source-destination address pair metrics in, a multi-homed endpoint comprising:

multiple network interfaces with respective Internet Protocol (IP) source addresses, each network interface configured for establishing a connection with a multi-homed peer endpoint via an IP network for transmission of data from the multi-homed endpoint to the multi-homed peer endpoint via the IP network;

first means for identifying source-destination address pairs available between the IP source addresses of the multi-homed endpoint and IP destination addresses available for reaching the multi-homed peer endpoint via an IP network;

means for initiating, for each source-destination address pair, a metric for identifying successful data transfer between the corresponding IP source address of the

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multi-homed endpoint and the corresponding IP destination address of the multi-homed peer endpoint; and

second means for identifying one of the source-destination address pairs having the corresponding metric indicating a highest successful data transfer relative to the other source-destination pairs; and

means for selecting the network interface having the IP source address associated with the identified one source-destination address pair, for ~~transport~~ transmission of a message to the multi-homed peer endpoint via the selected network interface;

wherein the initiating means is configured, for each source-destination address pair, for:

incrementing a corresponding assigned counter in response to a determined absence of an acknowledgement within a prescribed time interval of sending a data frame via the corresponding source-destination address pair; and

decrementing the corresponding assigned counter, until reaching a zero value, for each acknowledgement detected within the corresponding prescribed time interval.

Claim 31 (Currently Amended) The endpoint of claim 27, wherein the selecting means is configured for repeating the selection of a source IP address for each message to be output by the multi-homed endpoint to the multi-homed peer endpoint.

Claim 32 (Currently Amended) The endpoint of claim 26, wherein the selecting means is configured for repeating the selection of a source IP address for each message to be output by the multi-homed endpoint to the multi-homed peer endpoint.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach neither singly nor in combination, the claimed limitations of "incrementing a corresponding assigned counter in response to a determined absence of an acknowledgement within a prescribed time interval of sending a data frame via the corresponding source-destination address pair; and decrementing the corresponding assigned counter, until reaching a zero value, for each acknowledgement detected within the corresponding prescribed time interval." as stated in claims 2, 10, 18, and 26. These limitations, in conjunction with other limitations in the independent claims, are not specifically disclosed or remotely suggested in the prior art of record. A review of claims 2-8, 10-16, 18-24, and 26-32 indicated claims 2-8, 10-16, 18-24, and 26-32 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is (571)272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit 2141

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